

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL GLASS,

Plaintiff,

v.

FEATHERLY,

Defendant.

Case No. 3:22-cv-00280-ART-CLB

ORDER

(ECF No. 3)

This action began with a pro se civil-rights complaint submitted under 42 U.S.C. § 1983 by a state prisoner. Plaintiff Michael Glass has applied to proceed *in forma pauperis*. (ECF No. 3). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on August 19, 2022. (ECF No. 4). The screening order imposed a 90-day stay, and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF Nos. 4, 7). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 14).

For the foregoing reasons, **IT IS ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 3) is **GRANTED**. Pauper status doesn't relieve Plaintiff of the obligation to pay the full \$350 filing fee under the statute; it just means that Plaintiff can do it in installments. Plaintiff is not required to pay an initial installment of the filing fee. And Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security. But the full filing fee must still be paid under 28 U.S.C. § 1915(b)(2) even if this action is later dismissed.

1 2. To ensure that Plaintiff pays the full filing fee, the Nevada Department of
2 Corrections will forward payments from the account of **Michael A. Glass, #1196925** to
3 the Clerk of the United States District Court, District of Nevada, 20% of the preceding
4 month's deposits (in months that the account exceeds \$10) until the full \$350 filing fee
5 has been paid for this action.

6 3. Service must be perfected within 90 days from the date this order is entered
7 as required under Federal Rule of Civil Procedure 4(m).

8 4. Subject to the findings of the screening order (ECF No. 4), within 21 days
9 of the date of entry of this order, the Attorney General's Office will file a notice advising
10 the Court and Plaintiff of (a) the names of the defendants it accepts service for, (b) the
11 names of the defendants it does not accept service for, and (c) the names of the
12 defendants it is filing last-known-address information for under seal. As to any named
13 defendant the Attorney General's Office cannot accept service for, the Office will file under
14 seal—but will not serve the inmate Plaintiff—the defendant's last-known address, if it has
15 such information. If the last-known address of any defendant is a post office box, the
16 Attorney General's Office will attempt to obtain and provide the defendant's last-known
17 physical address.

18 5. If service cannot be accepted for any named defendant, Plaintiff will file a
19 motion identifying the unserved defendant(s), requesting issuance of a summons(es), and
20 specifying a full name and address for the defendant(s). If the Attorney General's Office
21 has not provided last-known-address information for any such named defendant, Plaintiff
22 will provide the defendant's full name and address.

23 6. Any defendant for whom the Attorney General's Office accepts service of
24 process will file and serve an answer or other response to the Complaint (ECF No. 5)
25 within 60 days of the entry date of this order.

26 7. Plaintiff will serve upon defendant or, if an appearance has been entered by
27 counsel, upon defendant's attorney(s), a copy of every pleading, motion, or other
28 document Plaintiff submits for the Court's consideration. If Plaintiff electronically files a

document with the Court's electronic-filing system, no certificate of service is required. Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. LR 5-1. However, if Plaintiff mails the document to the Court, Plaintiff will include with the document a certificate stating the date that a true and correct copy of the document was mailed to defendant or defendant's counsel. If counsel has entered a notice of appearance, Plaintiff will direct service to the individual attorney(s) named in the notice of appearance, at the physical or electronic address stated therein. The Court may disregard any document received by a district judge or magistrate judge that has not been filed with the Clerk of the Court, and any document received by a district judge, magistrate judge, or the Clerk of the Court that fails to include a certificate showing proper service when it is required.

8. This case is no longer stayed.

Finally, the Clerk of the Court will (1) electronically **SERVE** copies of this order and the Complaint (ECF No. 5) on the Office of the Attorney General of the State of Nevada by adding the Attorney General of the State of Nevada to the docket sheet, which does not indicate acceptance of service; and (2) send a copy of this order to the Finance Division of the Clerk's Office and to the attention of **Chief of Inmate Services for the Nevada Department of Corrections**, P.O. Box 7011, Carson City, NV 89702.

DATED this 6th day of January 2023.


UNITED STATES MAGISTRATE JUDGE